



December 20, 2006

Dr. Karen A. Holbrook
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FINAL PROGRAM REVIEW REPORT
PRCN: 200510523594
OPE ID Number: 00309000

Dear Dr. Holbrook:

This letter provides the U.S. Department of Education's (the Department) Final Program Review Determination (FPRD) assessing The Ohio State University's (OSU's) compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (Clery Act) included in Section 485(f) of the Higher Education Act of 1965, as amended (HEA), 20 U.S.C. §1092(f).

This FPRD is the result of a program review conducted by the Department's Chicago School Participation Team. The Chicago School Participation Team issued its program review report on May 24, 2005 and a request for additional information to OSU on November 10, 2005. The May 24, 2005 program review report is incorporated by reference and made part of this FPRD and is attached hereto as Attachment A. The November 10, 2005 request for additional information is incorporated by reference and made part of this FPRD and is attached hereto as Attachment B.

Although the review was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning OSU's specific practices and procedures must not be construed as acceptance, approval or endorsement of those practices and procedures. Furthermore, it does not relieve the institution of its obligation to comply with all statutory and regulatory provisions governing the Clery Act and the HEA.

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The program review report of May 24, 2005 identified four findings of noncompliance regarding OSU's administration of the Clery Act.

FINDING NO. 1: Inaccurate Statistical Information in Annual Crime Report

In each of the calendar years reviewed, some of the crime statistics reported in OSU's annual campus crime report differed from the number of incidents reflected in the supporting documentation. In some cases, the annual crime report included more incidents in a particular category than were supported by the back-up documentation. In other cases, the crime report had lower numbers than the number of incidents reflected in the documentation. For example, in the calendar year 2003 report, OSU listed 84 aggravated assaults occurring on public property, but only 83 incidents were reflected in the back-up information provided by OSU. Also in the calendar year 2003 report, OSU listed 165 on-campus burglaries when the back-up documentation reflected that 166 burglaries occurred on-campus.

In the calendar year 2002 report, OSU reported 4 aggravated assaults on-campus, but the back-up documentation showed that 5 aggravated assaults were reported on-campus during this time frame.

There were three statistical discrepancies in the crime statistics reported for calendar year 2001. The report of on-campus forcible sex offenses listed three incidents occurring on campus (two in the residence halls and one elsewhere on campus). However, the back-up documentation reflected four incidents on-campus (three in the residence halls and one elsewhere on campus). In reporting sex offenses on public property during the 2001 calendar year, OSU listed 40 as forcible and seven as non-forcible. However, the back-up documentation indicates that all 47 sex offenses should have been reported as forcible. (Under the Clery Act, the only crimes that are to be reported as non-forcible sexual offenses are incest and statutory rape.) Finally, the calendar year 2001 report reflected 983 public property burglaries, but the back-up documentation showed that 1003 public property burglaries occurred. Thus, OSU underreported this crime category by 20 incidents.

The Ohio State University was directed to amend, publish and distribute amended crime statistics for the 2001, 2002, and 2003 calendar years that reflect the corrected information. In addition, OSU was required to provide assurances that it will accurately publish the required statistical information in future campus security reports.

The University responded that it corrected the number of burglaries and aggravated assaults as required, by October 1, 2005. The numbers are accurately reflected in the "Campus Total" column in the 2005 campus crime report and footnoted with the letter I. The University, as directed, took out the "non-verified" column that had originally been included in the Clery Act reports for 2002 and 2003 and included those totals in the "Campus Total" column. The updated information was sent out to all students and faculty

by email on September 30, 2005. The University provided us with a copy of the email with the time and date stamped on it. We did not require OSU to send out corrected 2001 calendar year information, but expect OSU to maintain a record of the corrected numbers for that year and make that information available on request. OSU has also informed the Department that it has dedicated additional personnel to the compilation of crime statistics.

OSU's actions have resolved this finding and no additional action is required.

FINDING NO. 2: Failure to Properly Document and Report Crime Incidents Reported to Authorities; Other than Police

When reporting crime statistics as part of the annual campus security report, OSU reviews the campus police reports and determines which incidents occurred on-campus and which occurred in the residence halls. The statistical report also includes a category entitled "non-verified" that enumerates reports of crime incidents reported to campus security authorities other than the OSU police or municipal police. This category includes reports of crimes reported to other campus security authorities including the Office of Residence Life, the Office of Student Judicial Affairs and the Office of Rape Education and Prevention Programs. While OSU is generally reporting, on a numerical basis, all required incidents, by adding an additional category of reporting, the institution give creates the appearance that reports of crimes to campus security authorities other than the police are accorded less weight than those reported to police.

According to institutional officials, incidents were reported this way because OSU cannot determine the geographical location of incidents reported to non-police campus security authorities. OSU must use its best efforts to determine the location of a reported incident and include the incident in the statistics for the appropriate geographical category. If that cannot be done and the incident is reported to a campus security authority, OSU should treat the incident as an on-campus incident. The institution may then provide footnotes to its statistical reporting that states the source of the incident. For example, OSU's footnote could state that X number of incidents were reported to campus security authorities and that if OSU cannot determine the exact location of the incident it is included as an on-campus incident. However, this issue could also be addresses by providing better training to campus security authorities to ensure that they know that they need to record the location of incidents reported to them. OSU should only have questions about the geographic location of an incident that is reported to professional or pastoral counselors, where confidentiality in reporting may reduce the amount of information that is available.

In addition, OSU did not keep records specifying the source documentation and incidents included in the "non-verified" category. Therefore, reviewers were unable to determine if OSU had correctly accounted for all crime incidents in a particular category. Specifically, the e-mails presented as supporting documentation for the 2003 statistics reflect that 22 sexual assaults were reported, but the 2003 report listed only three incidents of "non-verified" forcible sex offenses.

The University was directed to amend, publish and distribute amended crime statistics that reflect the required categories and eliminate the "non-verified" category. In addition, OSU was directed to provide the Department with back-up documentation that details the source(s) of information that support the "non-verified" figures reported in 2001, 2002, and 2003 and explain the numerical discrepancy regarding "non-verified" sex offenses in 2003. The University was also directed to provide copies of policies and procedures that explain how source documentation for crime incident reports to authorities other than the police will be kept to show which instances comprise the reported statistics.

As noted in Finding No. 1, OSU sent amended crime statistics out to all students and faculty by email on September 30, 2005. The University confirmed that all available back-up documentation for the incidents reported to Campus Security Authorities was made available to the Department during the program review. In addition, the University submitted a written statement of the "Campus Security Authorities Policy" along with the response to the program review report.

OSU's actions have resolved this finding and no additional action is required.

FINDING NO. 3: Failure of Crime Log to Contain All Required Information

The reviewers observed that entries to OSU's daily crime log often did not reflect the date of the reported crime. In a number of cases, the crime log entries only listed the date the crime was reported to OSU police. In addition, the comment section of the log entries did not always give details about the date and location of the crime. Any crime **reported** to campus police or to a campus security authority, regardless of whether a formal report is filed, must be included as an entry to the daily crime log within two business days of the report of the crime to the police department.

The University was directed to review the regulatory requirement, along with relevant portions of the current Student Financial Aid Handbook and ensure its crime reporting complies with the legal requirements. With its response to the program review report, OSU was also directed to provide assurances of compliance, and a copy of its policies and procedures that demonstrate it has corrected this deficiency.

OSU responded that it has modified the manner in which the daily log is maintained. The University personnel who compile the daily log have been instructed to complete all fields in the form and, if the necessary information is not available, to obtain it from the reporting officer or shift supervisor. A review by the Department's staff confirmed that the crime log maintained on OSU's web site contained the required information for the daily crime log.

OSU's actions have resolved this finding and no additional action is required.

FINDING NO. 4: Late Distribution of the Annual Crime Report to Students and Staff.

The reviewers observed that OSU notified students of the availability of the 2002 campus crime report via the school web site on October 9, 2002 and notified University staff on

October 13, 2002. The notice was, therefore, nine days late to students and 13 days late to University staff. OSU was also late in notifying students and staff of the availability of the 2003 campus crime report – the staff was not notified until October 16, 2003 and the students were not notified until October 19, 2003. These notices were, therefore, 16 days late to University staff and 19 days late to students.

The University was directed to review the cited regulatory requirement, along with relevant portions of the current Student Financial Aid Handbook and ensure that its distribution of the required report complies with the legal requirements. With its response to the program review report, OSU was also directed to provide assurances of compliance, and a copy of its policies and procedures that demonstrated it has corrected this deficiency.

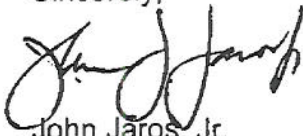
As noted in Finding No. 1, OSU sent amended crime statistics out to all students and faculty by email on September 30, 2005. The University provided a copy of the email with the time and date stamped on it. The University also stated in its response to the program review report that, in future years, the notice of availability of the annual security report will be distributed to students and employees within the deadlines included in the Department's regulations.

OSU's actions resolve this finding and no additional action is required.

This letter is the final program review determination letter for the Clery Act review of OSU conducted on October 18, 2004 and closes that review.

Again, I would like to express my appreciation for the courtesy and cooperation extended during the review process. If you have any questions concerning this report, please call Herschel Wallace at (312) 886-8739.

Sincerely,



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